

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CAMP SCANDINAVIA AB, PETER
ALLARD HOLDING AB, and LIGHT
WEIGHT SUPPORT AB,

Case No. 07-14925

Plaintiffs/Counter-Defendants,

Honorable John Corbett O'Meara

v.

TRULIFE, INC., and TRULIFE, LTD.,

Defendants/Counter-Plaintiffs.

**ORDER GRANTING DEFENDANT'S JUNE 26, 2009 MOTION TO FILE A RESPONSE;
GRANTING PLAINTIFFS' JUNE 23, 2009 MOTION FOR RECONSIDERATION; AND
DENYING AS MOOT PLAINTIFFS' AUGUST 18, 2009 MOTION FOR LEAVE TO FILE
DISPOSITIVE MOTION OUT OF TIME**

This matter came before the court on Plaintiffs' June 23, 2009 motion for reconsideration of the court's June 23, 2009 order granting Defendants' motion for clarification and reconsideration. Defendants filed a motion to file a response to Plaintiffs' motion on June 26, 2009. On August 18, 2009, Plaintiffs filed a motion for leave to file a dispositive motion out of time to file a motion for summary judgment on Defendants' two additional affirmative defenses. Defendants filed a response to that motion August 26, 2009; and Plaintiffs filed a reply September 3, 2009. Pursuant to Local Rule 7.1(e)(2), no oral argument was heard.

On June 23, 2009, the court hastily granted Defendants' May 29, 2009 motion for clarification (and reconsideration) of the court's May 15, 2009 order that had denied Defendants' motion for leave to amend their answer. The court believed that Plaintiffs did not object to Defendants' motion; however, indeed Plaintiffs had telephoned the court and expressed a desire to file a response. If the court had ordered a response from Plaintiffs pursuant to Local Rule 7.1(g)(2), and had had an

opportunity to review the response, the court would not have granted Defendants' motion for clarification.

Plaintiffs' motion for reconsideration of the June 23, 2009 order correctly points out that the court had considered Defendants' request to amend their answer to include two additional affirmative defenses and that the court had denied the request. Accordingly, the court should not have granted Plaintiffs' motion for clarification and will vacate that order.

In addition, the court will grant Defendants' motion to file a response to Plaintiffs' motion for reconsideration; and the court has considered the arguments made in that response. Finally, this order will make moot Plaintiffs' August 18, 2009 motion for leave to file a dispositive motion out of time.

ORDER

It is hereby **ORDERED** that Plaintiffs' June 23, 2009 motion for reconsideration of the court's June 23, 2009 order granting Defendants' motion for clarification is **GRANTED**.

It is further **ORDERED** that the court's June 23, 2009 order granting Defendants' motion for clarification is **VACATED**.

It is further **ORDERED** that Defendants' June 26, 2009 motion to file a response brief is **GRANTED**.

It is further **ORDERED** that Plaintiffs' August 18, 2009 motion for leave to file a dispositive motion out of time is **DENIED AS MOOT**.

s/John Corbett O'Meara
United States District Judge

Date: September 21, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 21, 2009, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager